

IN THE UNITED STATE DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JOHN IRWIN

PLAINTIFF

V.

CIVIL ACTION NO. 3:18cv666 HTW-LRA

TBC CORPORATION, DYNAMIC TIRE  
CORP., SAILUN CO., LTD., AND DOES 1-10

DEFENDANTS

**ORDER GRANTING LEAVE TO FILE  
INTERVENING COMPLAINT**

THIS MATTER, having come before the Court, upon the Motion of the Mississippi Public Entity Workers' Compensation Trust ("MPEWCT"), and the Court being advised in the premises, hereby finds as follows:

1. Movant MPEWCT seeks leave to file an Intervening Complaint to protect its lien for payments made pursuant to the Mississippi Workers Compensation Act.
2. The Court is informed that the Plaintiff and the Defendants have no objection to the Motion for Leave to File an Intervening Complaint.
3. Pursuant to the provisions of § 71-3-71 Miss. Code Ann. (1972), as amended, and Mississippi law, it is appropriate for a workers' compensation carrier who has paid benefits to intervene in a third party tort action filed by the injured employee, so as to protect its lien. Further, MPEWCT has satisfied the requirements of the Federal Rules of Civil Procedure 24.
4. MPEWCT shall be allowed ten (10) days from the date of this Order to file its Intervening Complaint.
5. The Court is also advised that Intervenor seeks only to protect and assert a statutory

workers compensation lien pursuant to § 71-3-71 Miss. Code Ann. (1972), as amended. Therefore, the Court finds MPEWCT should be given notice of any potential settlement prior to consummation of the settlement so as to protect, reflect and/or assert the amount of its lien.

SO ORDERED AND ADJUDGED this the 29th day of April, 2019.

/s/HENRY T. WINGATE  
U.S. DISTRICT COURT JUDGE

AGREED TO BY:

/s/ Edward Sanders  
Edward Sanders, Esq.;MB#8880  
J.C. Patton, Jr., Esq.  
*Counsel for Plaintiff*

/s/ David Barfield  
David A. Barfield, Esq.;MB#1994  
Lara Ashley Coleman, Esq.  
*Counsel for TBC Corporation*

Jason Dare  
J. Lawson Hester, Esq.;  
Jason Edward Dare, Esq.;MB#100973  
*Counsel for Dynamic Tire Corp.*

Ben Griffith  
Benjamin E. Griffith, Esq.;MB#5026  
Lauren Elizabeth Ward, Esq.;MB#105019  
*Counsel for Sailun Co., Ltd.*

J. L. Wilson  
J. L. Wilson, IV; MB# 10782  
*Counsel for Intervenor*